

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:10-CV-154-MOC-DSC**

PROVIDENT LIFE AND ACCIDENT)
INSURANCE COMPANY,)
Plaintiff,)
v.)
LAURA M. SANDERS and)
DIANE M. SANDERS,)
Defendants.)

MEMORANDUM AND ORDER

THIS MATTER is before the Court on the following Motions filed by pro se Defendant Diane M. Sanders:

1. “Motion to Extend Time [to Complete Discovery]” (document #28);
2. “Motion to Compel [Discovery Responses from Defendant Laura M. Sanders]” (document #29);
3. “Second Motion to Extend Time [to Complete Discovery]” (document #32);
4. “Second Motion to Compel [Discovery Responses from Defendant Laura M. Sanders]” (document #33);
5. “Motion to Compel [Discovery Responses from Plaintiff Provident Life and Accident Insurance Company]” (document #34); and
6. “Motion to Dismiss Defendant Laura M. Sanders’ [Discovery Requests]” (document #42) which the Court is treating as a Motion to Strike.

The Court has also carefully reviewed the parties’ briefs and exhibits. See documents ## 30, 31, 35 and 36.

These Motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and are now ripe for the Court's consideration.

A detailed discussion of the factual background and procedural history in this matter is contained in the Court's "Order" (document #37) (denying without prejudice Defendant Laura M. Sanders "Motion for Judgment on the Pleadings" (document #16), granting Plaintiff's "Motion to Dismiss" (document #18), and dismissing with prejudice Plaintiff as party to this action).

Defendant Diane M. Sanders' first and second Motions to Compel each seek an order compelling Defendant Laura M. Sanders to respond to Diane Sanders' written discovery requests. In her briefs, Laura Sanders asserts that the discovery requests are too vague to allow a response. The Court finds that Diane Sanders' "Request for Production of Documents," attached to document #29 as Exhibit 3, is insufficient. The document request instructs the respondent to make certain documents available for copying at "11:00 a.m., Fedex office 4717 Sharon Road, Charlotte, NC 28210" but fails to state a date for production. Diane Sanders must serve an amended document request that clearly states the manner and timing of production requested.

Contrary to Laura Sanders' assertion, Diane Sanders' Interrogatories, attached to document #29 as Exhibit B, are not overly vague. Laura Sanders will be ordered to respond to the Interrogatories. Accordingly, Defendant Diane M. Sanders' first and second Motions to Compel will be granted in part and denied in part.

In her third Motion to Compel, Diane Sanders seeks discovery responses from Plaintiff Provident Life and Accident Insurance Company. Plaintiff's response clearly establishes that it has fully responded to Diane Sanders' discovery requests and, therefore, this Motion to Compel will be denied.

Diane Sanders' final Motion seeks an order striking Laura Sanders' written discovery

requests as untimely filed. In its discretion, the Court will grant Diane Sanders' Motions to Extend the discovery deadlines in this case. Therefore, Diane Sanders' Motion to Strike will be denied.

NOW THEREFORE, IT IS ORDERED:

1. Defendant Diane M. Sanders' "Motion to Compel [Discovery Responses from Defendant Laura M. Sanders]" (document #29) and "Second Motion to Compel [Discovery Responses from Defendant Laura M. Sanders]" (document #33) are **GRANTED IN PART** and **DENIED IN PART**, that is Defendant Laura M. Sanders is ORDERED to serve complete responses to Defendant Diane M. Sanders' Interrogatories within twenty-one (21) days of entry of this Order.

2. Defendant Diane M. Sanders' "Motion to Compel [Discovery Responses from Plaintiff Provident Life and Accident Insurance Company]" (document #34); and "Motion Dismiss Defendant Laura M. Sanders' [Discovery Requests]" (document #42) are **DENIED**.

3. Defendant Diane M. Sanders' "Motion to Extend Time [to Complete Discovery]" (document #28) and "Second Motion to Extend Time [to Complete Discovery]" (document #32) are **GRANTED** and the pretrial deadlines are extended as follows:

- a. Expert disclosure deadline: May 15, 2011;
- b. Discovery deadline: June 15, 2011; and
- c. Dispositive motions deadline: July 15, 2011.

4. The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: April 18, 2011



David S. Cayer
United States Magistrate Judge

